

Falls Church, Virginia 22041

File: D2014-214

Date:

JAN 07 2016

In re: OLEH R. TUSTANIWSKY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Paul Rodrigues
Associate Disciplinary Counsel

ON BEHALF OF RESPONDENT: Pro se

The respondent, who has been suspended from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS") for one year, has sought reinstatement to practice. The Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) does not oppose the respondent's motion for reinstatement. The respondent's motion for reinstatement will be granted.

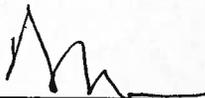
On July 9, 2014, the United States Court of Appeals for the Second Circuit suspended the respondent from the practice of law before that court for one year. Consequently, the EOIR Disciplinary Counsel petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on August 14, 2014. Given the respondent's suspension from the practice of law by the Second Circuit, our September 9, 2014, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, for one year, effective August 14, 2014, the date of our immediate suspension order. We denied an earlier motion for reinstatement on September 16, 2015.

The respondent again asks to be reinstated to practice before the Board, the Immigration Courts and the DHS. He presents evidence that he was readmitted to the Second Circuit bar on December 3, 2015, and states that he is authorized to practice law in New York. As the respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f) and has fully served the one year suspension imposed by the Board, the respondent has complied with the reinstatement requirements set forth in 8 C.F.R. § 1003.107(a). Further, the EOIR Disciplinary Counsel does not oppose his reinstatement. We therefore grant the respondent's motion for reinstatement.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, he must file a Notice of Appearance (Form G-28, Form EOIR-28 or Form EOIR-27) even in cases in which he was counsel prior to his suspension.

A handwritten signature in black ink, consisting of several sharp, angular strokes, positioned above a horizontal line.

FOR THE BOARD